

United States Senate

WASHINGTON, DC 20510

April 13, 2022

Shalanda Young
Director
Office of Management and Budget
1650 17th St NW
Washington, DC 20500

Dear Director Young:

Congratulations on your recent confirmation as Director of the Office of Management and Budget (OMB). I was proud to support your nomination, and know you will bring to this important position the same dedication, policy expertise, and concern for working Americans that you have exhibited throughout your career as a public servant.

As OMB Director, it is imperative that you understand the congressional intent regarding the Buy America provisions included in the “Infrastructure Investment and Jobs Act” (the “Bipartisan Infrastructure Law”), specifically section 70914 of Pub. L. 117-58. As the author of this legislation, I crafted these provisions to apply Buy America requirements on a government-wide basis and in so doing close loopholes in existing federal Buy America requirements. The explicit goal was to ensure that all iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States.

Now that the Bipartisan Infrastructure Law is law, the “Build America, Buy America” requirements must be fully implemented to ensure Buy America rules apply to all taxpayer-funded infrastructure and public works projects. Historically, federal agencies have often tried to narrow Buy America requirements. To do so now would be contrary to the spirit of the law and, more importantly, it would contradict the express congressional intent. That is why I am troubled to see that some federal agencies are already failing to report “deficient programs” in a complete and timely manner. In implementing these provisions, this administration must be clear: American tax dollars should go toward American-made products that support American jobs.

I am proud of the President’s strong public commitment to these Buy America provisions. In President Biden’s first State of the Union address, he articulated a clear vision for the implementation of Buy America requirements in the law. In the speech, he said,

When we use taxpayers’ dollars to rebuild America, we’re going to do it by buying America. Buy American products. Support American jobs. The federal government spends about \$600 billion a year to keep this country safe and secure. There’s been a law on the books for almost a century to make sure taxpayers’ dollars support American jobs and businesses. Every administration, Democrat or Republican, says they’ll do it, but we’re actually doing it. We’ll Buy America to make sure everything – from the deck of an aircraft carrier to the steel on highway guardrails – is made in America from beginning to end. All of it, all of it.

Inclusion of Build America, Buy America provisions in the Bipartisan Infrastructure Law was a congressional priority. My goal was to provide this administration with the tools to translate these words into results. Too often, foreign materials – often from China – have been used to construct many taxpayer-funded highways, roads, bridges, and water and energy infrastructure projects. By implementing the Buy America provisions, as urged by the President, we can ensure that these historic investments in infrastructure actually result in the purchase of American-made iron, steel, and manufactured products.

Within 180 days of enactment of the Bipartisan Infrastructure Law, federal agencies are required to guarantee that federal infrastructure assistance funds only support projects that buy American. This includes: 1) all forms of financial assistance, including grants, loans, and other assistance; 2) all forms of public infrastructure, including roads and bridges, water systems, and broadband; and 3) all federal agencies that administer such programs. The May 14, 2022 statutory implementation deadline is fast approaching. I urge you to issue clear guidance to ensure that all federal agencies meet both the congressional intent and the spirit of the law. Implemented correctly, the American people will be able to see the tangible benefits of the law as domestic manufacturing jobs are created to support the Bipartisan Infrastructure Law's historic investments.

What's more, I urge this administration to use this unique and historic opportunity to develop a cross-agency strategy to invest in American production. With the specific requirements of this law and the historic levels of funding for infrastructure investment made available by Congress, this administration has an unparalleled opportunity to marshal the resources of the federal government to prioritize domestic production and incentivize American companies to produce infrastructure inputs here in the United States. This opportunity should jumpstart an all-of-government approach and coordinated strategy to increase American production and manufacturing in a way that has lasting effects for our economy.

Although infrastructure investments must be distributed to projects with the utmost speed, this once-in-a-generation investment in American infrastructure with American materials cannot be squandered. Buy America requirements reinvest tax dollars in family-and-community sustaining American jobs; invests in goods produced under strong environmental, labor, and workplace safety standards; and protects our economic and national security. This administration must continue its good work of taking every opportunity available to use the tools at its disposal to prioritize American workers, American businesses, and American-made materials.

Given the approaching deadline, I appreciate your timely reply ensuring consistency across the federal government. Thank you for timely consideration of this request.

Sincerely,

Sherrod Brown

Sherrod Brown
United States Senator